

REMARKS

The Examiner has rejected Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer ("Ramsauer I") in view of U.S. Patent No. 1,950,205 to Young ("Young") and U.S. Patent No. 5,435,159 to Ramsauer ("Ramsauer II"). Claim 30 stands currently amended. Claims 1-29, 37, and 39 stand previously canceled. Claims 32, 33, 38, 40-52, and 55-58 stand previously withdrawn. Claims 30-36, 38, and 40-58 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 30, 31, 34-36, 53, and 54. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. REJECTION OF CLAIMS 30, 31, 34-36, 42, 53, AND 54 UNDER 35 U.S.C. § 103(A) BASED ON RAMSAUER I IN VIEW OF YOUNG AND RAMSAUER II

On page 2 of the current Office Action, the Examiner rejects Claims 30, 31, 34-36, 53, and 54 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Ramsauer I in view of Young and Ramsauer II. These rejections are respectfully traversed and believed overcome in view of the following discussion.

A. Claims 30, 31, 34-36, 42, 53, and 54

Amended, independent Claim 30 states, in part:

“wherein the holding elements are formed by two flat metal pieces or plastic pieces lying next to one another **with a flat surface of one flat piece of the two flat pieces touching a flat surface of the other flat piece of the two flat pieces**, each flat piece having a rectangular opening or breakthrough, these two openings or breakthroughs together forming a rectangular space which receives a spiral pressure spring by at least a portion of its diameter.” (emphasis added).

As such, Claim 30 requires that a flat surface of one flat piece **touches** a flat surface of the other flat piece.

However, Young teaches that the two lugs 40 are actually **separated** from each other by a gap. Thus, while the spring 41 touches each of the lugs 40, the two lugs 40 **never** actual touch each other. As such, Young fails to disclose the a flat surface of one flat piece holding element **touches** a flat surface of the other flat piece holding element, as stated in Claim 30. Further, none of the other references to which Examiner cites cures this deficiency of Young.

Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of independent Claim 30, and corresponding Claims 31, 34-36, 42, 53, and 54 because they are each ultimately dependent from Claim 30. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claims 30, 31, 34-36, 42, 53, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 1,950,205 to Young and U.S. Patent No. 5,435,159 to Ramsauer.

B. Claim 42

As stated above, Claim 42 depends from independent Claim 30. As Claim 30 is allowable, so must be Claim 42.

In addition, Claim 42 states in part:

“wherein the two flat pieces of the holding elements are held jointly by the spring in such a way that **these three parts, independent of the body part**,

form a manageable unit that is stable in itself." (emphasis added).

Thus, Claim 42 explicitly requires that the two flat pieces of the holding elements and the spring **form a manageable unit** that is **stable** in itself, **independent of the body part**.

Examiner points to Young as disclosing the above language. This, however, misinterprets the teachings of Young.

In particular, the latching lugs 40 and spring 41 of Young need the pin 35 (which resembles the "body part" Claim 30) to keep the latching lugs 40 together. As such, the latching lugs 40 and spring 41 of Young do **not** form a **manageable unit** that is **stable** in itself, **independent of the body part**, as stated in Claim 42.

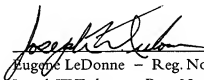
Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of Claim 42. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,185 to Ramsauer in view of U.S. Patent No. 1,950,205 to Young and U.S. Patent No. 5,435,159 to Ramsauer.

III. WITHDRAWN CLAIMS 32, 33, 38, 40, 41, 43-52, AND 55-58

Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are each ultimately dependent from independent Claim 30. As Claim 30 is allowable, so must be Claims 32, 33, 38, 40, 41, 43-52, and 55-58. Accordingly, Applicant respectfully asserts that Claims 32, 33, 38, 40, 41, 43-52, and 55-58 are now in allowable form. Therefore, Applicant respectfully requests Examiner rejoin and allow currently withdrawn Claims 32, 33, 38, 40, 41, 43-52, and 55-58.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,


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